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HARVARD LAW REVIEW.

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THE INCREASING INFLUENCE OF THE LANGDELL CASE SYSTEM OF INSTRUCTION.—In the annual report of the President and Treasurer of Harvard College for 1889–90, Professor Langdell presents a statement of the growth of the Harvard Law School within twenty years. It is instructive to notice in this connection that there has been at the same time a great advance in the amount of appreciation accorded the method of instruction established about 1870 in this school, the essence of which was to substitute the discussion of the actual authorities of the law for the taking of results from text-books and lecture-notes. “The object of the case system is to compel the mind to work out the principles from the cases.” This idea met with disfavor in many quarters at its introduction. A review of “Langdell’s Selected Cases on Contracts” was published in the “Southern Law Review”¹ in 1879, containing these expressions of opinion: “We never could clearly appreciate why this collection (now for the first time issued in two volumes), and Professor Langdell’s corresponding collection of “Cases on Sales,” were published. . . . We suppose we must accept a reappearance of the second edition of this work without much change as an evidence that Professor Langdell’s original views are still persisted in. There is just as much sense in endeavoring to instruct students in the principles of law by the exclusive reading of cases as there would be in endeavoring to instruct the students of the West Point Military Academy in the art of war by compelling them to read the official reports of all the leading battles which have been fought in the world’s history. In our judgment, the chief value of the present work consists in the Summary which Professor Langdell has appended to the second volume. We cannot doubt that it is a valuable review of the matter presented in the cases. At a glance we can see that it performs one important office: it points out which of them are overruled!”

But already an effort had begun in England towards a scheme of education for law students which should be more helpful and more systematic

¹ 5 So. Law Rev. N. S. 872.

than the unworthy training then in vogue. In 1871, Professor Bryce and Professor Dicey came to the United States, and were most favorably impressed with the Columbia Law School; but when Professor Finch and Professor Pollock visited Harvard in 1885, both were greatly influenced by the Langdell method, which they saw in full operation. Professor Pollock writes in a letter addressed to O. W. Holmes, Jr., introductory to "The Law of Torts:" "Of Harvard and its Law School I will say only this, that I have endeavored to turn to practical account the lessons of what I saw and heard there, and that this present book is in some measure the outcome of that endeavor. It contains the substance of between two and three years' lectures in the Inns of Court, and nearly everything in it has been put into shape after or concurrently with free oral exposition and discussion of the leading cases." Professor Finch adopted the Langdell system in his lectures at Cambridge, and published "A Selection of Cases on the English Law of Contract," which met with this criticism in the "Law Quarterly Review:"¹ "The lawyer or student who really enters into the results of a line of leading cases learns much more than a few verbal maxims which may be committed to memory. He sees what is the true meaning of legal doctrines when applied to fact; he 'becomes,' as Mr. Finch well expresses it, 'familiar with the tone of thought, the attitude of mind, which prevail in our courts; he gets a touch of the genius of English law.' He learns, in short, by the only means by which it can be learned, the notion of justice which the lawyers and judges of England have developed by labors extending over centuries, and have impressed upon the minds of the English people." And in a note upon an article in the "American Law Register" of July, 1888, written by Mr. Sydney G. Fisher, of Philadelphia, to explain and defend the system of teaching practised in the Harvard Law School, the "Law Quarterly Review"² remarks again: "The system is a thoroughly sound and practical one. It has been to some extent adopted in other American law schools, and approximations to the method have been tried in this country in the Inns of Court and at Cambridge with very good effect, so far as a judgment can yet be formed. One of the first and greatest fallacies besetting law students is to suppose that law can be learned by reading *about* the authorities. Professor Langdell's method (for it should justly bear the name of its inventor) strikes at the root of this."

In yet another instance the aim to prepare students on narrow lines of work merely for actual law practice is condemned as inadequate, and the departure taken by Professor Langdell is acknowledged to be in the interest of legal scholarship in its highest sense. Although the reading of cases has not been disregarded, the manner of teaching law at Columbia has been mainly by means of lectures and the study of treatises. An enlarged conception of what the training of a law student should be has now led to the formation of a plan for a reorganized law school by the trustees of that university. The new methods of the Columbia school for the year 1891-92 are outlined in the formal announcement lately published, but they are not explained in detail. It is believed, however, that the practice which that school has followed ever since Professor Dwight became its head is now discarded, and that the Harvard system will serve as its model in the future.

¹ Law Quarterly Review, II. 88.

² Law Quarterly Review, V. 228.